

1 2. A copy of said Accusation is attached hereto as
2 Exhibit "A" and is hereby incorporated by reference as if fully
3 set forth.

4 3. Complainant, Thomas S. O'Connor, is the Executive
5 Officer of the Board of Psychology and brought this action solely
6 in his official capacity. The Complainant is represented by the
7 Attorney General of California, Bill Lockyer, by and through
8 Deputy Attorney General Susan K. Meadows.

9 4. Respondent has been duly notified of his right to
10 legal representation in this matter and is represented by Bruce
11 W. Ebert, Ph.D., Attorney at Law, P.O. Box 600, Rocklin, CA
12 95677.

13 5. The respondent is aware of the charges contained in
14 the Accusation and the respondent is fully aware of his legal
15 rights and of the effects of this stipulation.

16 6. On June 30, 1976, respondent was licensed by the
17 Board of Psychology under PSY No. 4624.

18 7. Respondent understands the nature of the charges
19 alleged in the Accusation and that, if proven at hearing, the
20 charges and allegations would constitute cause for imposing
21 discipline upon him. Respondent is fully aware of his right to a
22 hearing on the charges contained in the Accusation, his right to
23 confront and cross-examine witnesses against him, his right to
24 the use of subpoenas to compel the attendance of witnesses and
25 the production of documents in both defense and mitigation of the
26 charges, his right to reconsideration, appeal and any and all
27 other rights accorded by the California Administrative Procedure

1 Act and other applicable laws. Respondent knowingly, voluntarily
2 and irrevocably waives and gives up each and every one of these
3 rights.

4 8. This stipulation is the result of a compromise
5 between the Board and respondent. For purposes of the settlement
6 of this action pending against respondent as alleged in the
7 Accusation, respondent agrees that if the charges alleged in the
8 Accusation were proven at trial, cause would exist for
9 disciplinary action against his license. Respondent stipulates
10 that the Board has jurisdiction to enter the following
11 disciplinary order pursuant to Business and Professions Code
12 section 2960.

13 9. Based upon the above recitals, the parties hereby
14 agree that the Board may, without further notice or formal
15 proceeding, issue and enter the following order:

16 DISCIPLINARY ORDER

17 10. It is hereby ordered that License No. PSY 4624
18 issued to respondent Frank D. Lieberman, Ph.D. is revoked.
19 However, the revocation is stayed and respondent is placed on
20 probation for three (3) years subject to the following terms and
21 conditions:

22 A. Coursework

23 Respondent shall take and successfully complete not
24 less than twelve (12) hours of coursework during each year
25 of probation including, but not limited to, the following
26 areas: Ethics, and Clinical Practice. Coursework must be
27 preapproved by the Board or its designee. All coursework

1 shall be taken at the graduate level at an accredited
2 educational institution or be provided by an approved
3 continuing education provider. Classroom attendance is
4 specifically required; correspondence or home study
5 coursework shall not count toward meeting this requirement.
6 The coursework must be in addition to any continuing
7 education courses that may be required for license renewal.

8 Within ninety (90) days of the effective date of this
9 Decision, respondent shall submit to the Board or its
10 designee for its prior approval a plan for meeting the
11 educational requirements. All costs of the coursework shall
12 be paid by the respondent.

13 B. Ethics Course

14 Within ninety (90) days of the effective date of this
15 Decision, respondent shall submit to the Board or its
16 designee for prior approval a course in laws and ethics as
17 they relate to the practice of psychology. This Ethics
18 Course must be in addition to any law and ethics courses
19 that may be required for license renewal. Said course must
20 be successfully completed at an accredited educational
21 institution or through a provider approved by the Board's
22 accreditation agency for continuing education credit. Said
23 course must be taken and completed within one year from the
24 effective date of this Decision. The costs associated with
25 the law and ethics course shall be paid by the respondent.

26 //

27 //

1 C. Community Service - Free Services

2 Within 60 days of the effective date of this decision,
3 respondent shall submit to the Board or its designee for its
4 prior approval a community service program in which
5 respondent shall provide free psychological services on a
6 regular basis to community, charitable facility, government
7 entity or a non-profit corporation tax exempt under the
8 Internal Revenue Code for at least 8 (eight) hours per month
9 for the 36 (thirty-six) months that respondent is on
10 probation.

11 D. Investigation/Enforcement Cost Recovery

12 Respondent shall pay to the Board its costs of
13 investigation and enforcement in the amount of twenty three
14 hundred dollars (\$2,300.00) within ninety (90) days of the
15 effective date of this Decision. Said costs shall be
16 payable to the Board of Psychology. Failure to pay such
17 costs shall be considered a violation of probation.

18 E. Probation Costs

19 Respondent shall pay the costs associated with
20 probation monitoring for each and every year of probation.
21 Said probation costs are currently \$96.01 per month. Such
22 costs shall be payable to the Board of Psychology at the end
23 of each fiscal year. Failure to pay such costs shall be
24 considered a violation of probation.

25 //

26 //

27 //

1 F. Obey All Laws

2 Respondent shall obey all federal, state, and local
3 laws and all regulations governing the practice of
4 psychology in California, including the ethical guidelines
5 of the American Psychological Association. A full and
6 detailed account of any and all violations of law shall be
7 reported by respondent to the Board or its designee in
8 writing within seventy-two (72) hours of their occurrence.

9 G. Quarterly Reports

10 Respondent shall submit quarterly declarations under
11 penalty of perjury on forms provided by the Board or its
12 designee, stating whether there has been compliance with all
13 the conditions of probation.

14 H. Probation Compliance

15 Respondent shall comply with the Board's probation
16 program and shall, upon reasonable notice, report to the
17 assigned District Office of the Medical Board of California
18 or other designated probation monitor. Respondent shall
19 contact the assigned probation officer regarding any
20 questions specific to the probation order. Respondent shall
21 not have any unsolicited or unapproved contact with 1)
22 complainants associated with the case; 2) Board members or
23 members of its staff; or 3) persons serving the Board as
24 expert evaluators.

25 I. Interview with Board or Its Designee

26 Respondent shall appear in person for interviews with
27 the Board or its designee upon request at various intervals

1 and with reasonable notice.

2 J. Changes of Employment

3 Respondent shall notify the Board in writing, through
4 the assigned probation officer, of any and all changes of
5 employment, location, and address within thirty (30) days of
6 any such change.

7 K. Tolling for Out-of-State Practice, Residence or In-
8 State Non-Practice

9 In the event respondent should leave the State of
10 California to reside or to practice outside the State of
11 California, respondent shall notify the Board or its
12 designee in writing within ten (10) days of the date of
13 departure and return. Non-practice is defined as any period
14 of time exceeding thirty (30) days in which respondent is
15 not engaging in the practice of psychology as defined in
16 Sections 2902 and 2903 of the Business and Professions Code
17 and subject to the following exception: For purposes of this
18 stipulation only, respondent's monthly free psychological
19 community services performed in the State of California
20 shall be deemed to be the practice of psychology in
21 satisfaction of this provision. Periods of temporary or
22 permanent residency or practice outside California shall not
23 apply to the reduction of this probationary period.

24 L. Employment and Supervision of Trainees

25 If respondent is licensed as a psychologist, she shall
26 not employ or supervise or apply to employ or supervise
27 psychological assistants, interns or trainees during the

1 course of this probation. Respondent further agrees not to
2 employ or supervise any clinical social worker interns or
3 trainees, or any marriage, family, child counselor interns
4 or trainees during the course of this probation. Respondent
5 shall terminate any such supervisorial or employment
6 relationship in existence on the effective date of this
7 probation.

8 M. Future Registration or Licensure

9 If respondent is currently registered as a
10 psychological assistant and subsequently obtains other
11 psychological assistant registrations or becomes licensed as
12 a psychologist during the course of this probationary order,
13 respondent agrees that this Decision shall remain in full
14 force and effect until the probationary period is
15 successfully terminated.

16 N. License Surrender

17 Following the effective date of this decision, if
18 respondent ceases practicing due to retirement, health
19 reasons or is otherwise unable to satisfy the terms and
20 conditions of probation, respondent may voluntarily tender
21 his certificate to the Board. The Board reserves the right
22 to evaluate the respondent's request and to exercise its
23 discretion whether to grant the request, or to take any
24 other action deemed appropriate and reasonable under the
25 circumstances. Upon formal acceptance of the tendered
26 license, respondent will no longer be subject to the terms
27 and conditions of probation.

1 O. Violation of Probation

2 If respondent violates probation in any respect, the
3 Board may, after giving respondent notice and the
4 opportunity to be heard, revoke probation and carry out the
5 disciplinary order that was stayed. If an Accusation or
6 Petition to Revoke Probation is filed against respondent
7 during probation, the Board shall have continuing
8 jurisdiction until the matter is final, and the period of
9 probation shall be extended until the matter is final. No
10 Petition for Modification or Termination of Probation shall
11 be considered while there is an Accusation or Petition to
12 Revoke Probation pending against respondent.

13 P. Completion of Probation

14 Upon successful completion of probation, respondent's
15 license shall be fully restored.

16 CONTINGENCY

17 This stipulation shall be subject to the approval of
18 the Board. Respondent understands and agrees that Board staff
19 and counsel for complainant may communicate directly with the
20 Board regarding this stipulation and settlement, without notice
21 to or participation by respondent or his counsel. If the Board
22 fails to adopt this stipulation as its Order, the stipulation
23 shall be of no force or effect, it shall be inadmissible in any
24 legal action between the parties, and the Board shall not be
25 disqualified from further action in this matter by virtue of its
26 consideration of this stipulation.


27 //

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27

DATED: 9/26/2001

I have read the above Stipulated Settlement and Disciplinary Order and approve of it as to form and content. I have fully discussed the terms and conditions and other matters therein with respondent Frank D. Lieberman, Ph.D. I agree that a facsimile copy of my signature on this document shall be binding upon me as if it were the original.

DATED: 9/26/2001

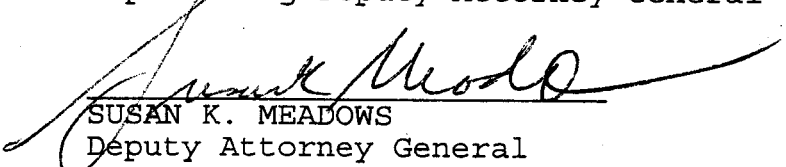

Bruce W. Ebert, Ph.D. ESQ.
Attorney for Respondent

11

1 ENDORSEMENT

2 The foregoing Stipulated Settlement and Disciplinary
3 Order is hereby respectfully submitted for the consideration of
4 the Board of Psychology, Department of Consumer Affairs, State of
5 California.

6 DATED: 9/04/01 BILL LOCKYER, Attorney General
7 of the State of California
8 VIVIEN HARA HERSH
9 Supervising Deputy Attorney General

10 
11 SUSAN K. MEADOWS
12 Deputy Attorney General

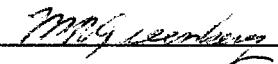
13 Attorneys for Complainant

14 DECISION AND ORDER
15 OF THE
16 BOARD OF PSYCHOLOGY
17 DEPARTMENT OF CONSUMER AFFAIRS, STATE OF CALIFORNIA

18 The foregoing Stipulation for Settlement and Order,
19 Case No. W211, is hereby adopted as the Order of the Board of
20 Psychology, Department of Consumer Affairs, State of California.

21 An effective date of December 19, 2001,
22 has been assigned to this Decision and Order.

23 Made this 19th day of November, 2001.

24 
25 MARTIN R. GREENBERG, Ph.D., PRESIDENT
26 BOARD OF PSYCHOLOGY
27 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

28 Exhibit A: Accusation

EXHIBIT A

BILL LOCKYER, Attorney General
of the State of California
SUSAN K. MEADOWS, State Bar No.115092
Deputy Attorney General
455 Golden Gate Ave, Suite 11000
San Francisco, California 94102
Telephone: (415) 703-5552
Fax: (415) 703-5480

Attorneys for Complainant

BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against

Case No. W211

Frank D. Lieberman, Ph.D.
P.O. Box 554
Cool, CA 95614
(Address of Record)

ACCUSATION

Psychologist's License No. PSY 4624

Respondent.

The Complainant alleges:

PARTIES

1. Complainant, Thomas S. O'Connor, is the Executive Officer of the California Board of Psychology ("Board of Psychology" or "board") and brings this accusation solely in his official capacity.

2. At all times material herein, respondent, Frank D. Lieberman, Ph.D. ("respondent") has held Psychologist's License No. PSY 4624 which was issued to him by the board on or about June 30, 1976. Said license is valid and renewed until November 30, 2001. Said license has been subject to prior disciplinary action in that on or about June 8, 1995 an Accusation was filed against said license. A Decision in that matter became effective on August

1 9, 1996 wherein respondent's license was placed on three years probation. On August 9, 1999,
2 respondent's probationary period was completed and his license was fully restored.

3 JURISDICTION

4 3. This accusation is brought before the Board of Psychology, Department of
5 Consumer Affairs, under the authority of the following sections of the California Business and
6 Professions Code ("Code").

7 4. At the time of the events alleged herein, (May of 1997 through July of
8 1997) Section 2960 of the Business and Professions Code read, in pertinent part, that the
9 Psychology Board may suspend, revoke, or place on probation a licensee for any of the following
10 causes:

11 (n) The commission of any dishonest, corrupt, or fraudulent act.

12 5. Business and Professions Code section 125.3 provides, in pertinent part,
13 that in any order issued in resolution of a disciplinary proceeding before any board within the
14 California Department of Consumer Affairs, the board may request the administrative law judge
15 to direct a licensee found to have committed a violation or violations of the licensing act to pay
16 a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

17 6. Business and Professions Code section 2962.6 provides that "[an
18 administrative disciplinary decision that imposes terms of probation may include, among other
19 things, a requirement that the licensee who is being placed on probation pay the monetary costs
20 associated with monitoring the probation."

21 FACTUAL ALLEGATIONS

22 7. At all times relevant to this matter, respondent practiced as a psychologist
23 in the State of California. This case was initiated by a written complaint received by the Board on
24 November 9, 1999 from the State Board of Control, State of California.

25 8.. On or about May 22, 1997, patient L.H.^{1/} was referred to respondent
26

27 1. Initials are used to protect the privacy of the patient. The full name of the patient will be disclosed upon receipt of
respondent's Request for Discovery.

1 through the Alameda County Victim/Witness Program for counseling. L.H. had been attacked
2 and stabbed in her bedroom on March 9, 1997 and was having flashbacks of the event. L.H.
3 went to respondent to deal specifically with the stabbing. She saw respondent twice a week from
4 approximately May 22, 1997 to July 9, 1997.

5 9. On or about July 9, 1997, L.H. discontinued counseling with respondent
6 because she did not feel it was helpful.

7 10. L.H. never received any bills from respondent because the
8 Victim/Witness Program paid for the counseling. On her first visit to respondent, he asked her to
9 sign a small form or card indicating that she had attended that particular session. At no time did
10 L.H. give respondent permission to sign her name or initials to any of the billing forms that
11 respondent submitted to the Victim/Witness Program for payment.

12 11. On or about October 29, 1997, and December 4, 1997, a claims specialist
13 with the Victims of Crime Compensation Program sent L.H. letters requesting that she verify the
14 following: her signature on the bottom of the billing/verification forms submitted by respondent
15 to the Victims of Crime Compensation Program on or about August 22, 1997 for payment; her
16 initials beside the dates the therapy sessions allegedly occurred; and, the last date that she was in
17 therapy with respondent. Respondent had received payment for the services he requested on
18 August 22, 1997 from the Victims of Crime Program or about September 30, 1997.

19 12. L.H. advised the Victims of Crime Compensation Program the following:
20 (1) the signature on the bottom of the billing/verification forms submitted by respondent on
21 August 22, 1997 was not her signature; (2) she did not initial the dates on the billing/verification
22 forms dated August, 1997 for which she allegedly received therapy from respondent; (3) she did
23 not give respondent permission to sign her name or write her initials on the billing/ verification
24 forms; and, (4) she did not receive therapy from respondent on the following dates for which
25 respondent requested payment: July 11, 1997, July 14, 1997, July 16, 1997, July 21, 1997, July
26 23, 1997, July 28, 1997, and July 30, 1997.

27 13. After contacting L.H., the claims specialist contacted respondent about the

1 alleged overpayment (totaling \$630.00) he had received from the Victims of Crime Program for
2 the above dates in question. Respondent, on or about November 6, 1997, refunded \$180.00 of
3 the \$630.00 in question and explained that "a billing error was made because L.H. did not show
4 up for scheduled appointments" on July 28, 1997 and July 30, 1997. Subsequently, respondent
5 made payments to the State Board of Control, Victims of Crime Program totaling \$450.00 to
6 bring the amount owed on the overpayment to a zero balance. On or about December 27, 1999,
7 the State Board of Control sent respondent a letter confirming that respondent had refunded the
8 overpayment of \$630.00.

9 **FIRST CAUSE FOR DISCIPLINARY ACTION**

10 **(Patient L.H.)**

11 **(Dishonest, Corrupt or Fraudulent Acts)**

12 14. The allegations in paragraphs 7 through 13, inclusive, are incorporated
13 herein as if fully set forth. Respondent is subject to disciplinary action pursuant to section 2960
14 subsection (n) in that he committed the following dishonest, corrupt, or fraudulent acts: (1)
15 Respondent submitted billing/verification forms dated August 22, 1997 requesting payment from
16 the Victims of Crime Compensation Program for therapy sessions that L.H. did not schedule or
17 attend on July 11, 1997, July 14, 1997, July 16, 1997, July 21, 1997, July 23, 1997, July 28,
18 1997, and July 30, 1997; and/or, (2) Respondent forged L.H.'s signature on the
19 billing/verification forms he submitted dated August 22, 1997 and he did not have L.H.'s
20 permission to sign her name to these forms; and/or, (3) Respondent signed L.H.'s initials to the
21 billing/verification forms submitted on August 22, 1997 verifying that L.H. had received
22 treatment on the dates indicated on the forms. Respondent did not have L.H.'s permission to
23 sign her initials to these forms and L.H. did not receive treatment from respondent on the dates
24 indicated on the billing forms after July 9, 1997.

25 15. Therefore, cause for discipline exists pursuant to section 2960(n) of the
26 Business and Professions Code.

27 WHEREFORE, complainant requests that a hearing be held on the matters alleged

1 above, and that following the hearing, the board issue a decision:

2 1. Suspending or revoking Psychology License No. PSY 4624 issued to
3 respondent Frank D. Lieberman, Ph.D.;

4 2. Ordering respondent to pay the board the actual and reasonable costs of
5 the investigation and enforcement of this case and, if placed on probation, the costs of probation
6 monitoring; and

7 3. Taking such other and further action as the board deems necessary and
8 proper.

9 DATED: June 13, 2001

10 

11 THOMAS S. O'CONNOR, Executive Officer
12 Board of Psychology

13 Complainant
14
15
16
17
18
19
20
21
22
23
24
25
26
27

DECLARATION OF SERVICE BY CERTIFIED MAIL

In the Matter of the Accusation Filed
Against:

Frank D. Lieberman, Ph.D.

No. : W211

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1422 Howe Avenue, Ste. 22 Sacramento, California 95825. I served a true copy of the attached:

DECISION AND ORDER

by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERT NO.

Frank D. Lieberman, Ph.D.
P.O. Box 554
Cool, CA 95614

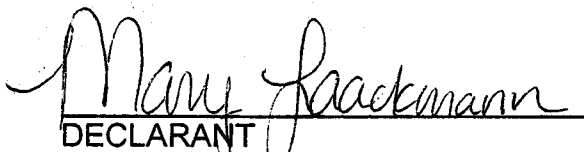
7001 0360 0004 6984

Bruce W. Ebert, Attorney at Law
P.O. Box 600
Rocklin, CA 95677

Susan K. Meadows
Deputy Attorney General
455 Golden Gate Ave., Ste. 11000
San Francisco, CA 94102

Each said envelope was then on, November 19, 2001, sealed and deposited in the United States mail at Sacramento, California, the county in which I am employed, as certified mail, with the postage thereon fully prepaid, and return receipt requested.

Executed on, November 19, 2001, at Sacramento, California.
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


DECLARANT
Mary Laackmann
Enforcement Analyst